

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

CHRISTOPHER WARD,  
individually and on behalf of the  
Estates of JOANN WARD and  
BROOKE WARD, Deceased; and as  
Next Friend of R.W., A MINOR  
CHILD

NO. 5:19-CV-00289-XR  
(consolidated with  
5:18-cv-00555-XR)

vs.

UNITED STATES OF  
AMERICA,  
Defendant

**FINAL JUDGMENT**

Judgment is entered in accordance with the Findings of Fact & Conclusions of Law dated February 7, 2022, by District Judge Xavier Rodriguez, against the United States and Plaintiffs shall recover from the United States in the amount of:

1. **\$11,059,219.07** for R.W., a minor child;<sup>1</sup>

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<sup>1</sup> After reviewing trial testimony, the Court finds that inflation and interest offset each other, resulting in a net discount rate of 0%. Therefore, of this amount, \$274,752.67 represents the present value of reasonable and necessary future medical expenses that will be incurred on behalf of R.W. in the future from the time of trial until R.W. reaches the age of eighteen years; \$2,046,577.64 represents the present value of reasonable and necessary future medical expenses he will incur after he reaches the age of 18 years old; also of this amount, \$2,212,639.00 represents the present value of future loss of earning capacity that R.W. will incur.

- a. \$2,000,000.00 for R.W.'s physical pain and mental anguish sustained in the past;
  - b. \$2,000,000.00 for R.W.'s physical pain and mental anguish that, in reasonable probability, he will sustain in the future;
  - c. \$500,000.00 for R.W.'s disfigurement sustained in the past;
  - d. \$500,000.00 for R.W.'s disfigurement that, in reasonable probability, he will sustain in the future;
  - e. \$750,000.00 for R.W.'s physical impairment sustained in the past;
  - f. \$500,000.00 for R.W.'s physical impairment that, in reasonable probability, he will sustain in the future.
  - g. \$2,212,639.00 for R.W.'s loss of earning capacity that, in reasonable probability, will be sustained in the future after R.W. reaches the age of eighteen years;
  - h. \$274,249.76 for R.W.'s medical care expenses incurred in the past;
  - i. \$275,752.67 for R.W.'s medical care expenses that, in reasonable probability, will be incurred on behalf of R.W. in the future from the time of trial until R.W. reaches the age of eighteen years; and
  - j. \$2,046,577.64 for R.W.'s medical care expenses that, in reasonable probability, he will incur after he reaches the age of eighteen years.
2. Plaintiff, Estate of Joann Ward<sup>2</sup> is awarded total damages of **\$5,000,000.00**, which includes:

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<sup>2</sup> Dalia Lookingbill was Appointed Dependent Administrator of JoAnn Ward's estate on April 6, 2021, in The 218<sup>th</sup> Judicial District Court of Wilson County, Cause No. CVW2100050, The Estate of JoAnn Ward, a/k/a JoAnn Lookingbill-Ward, Deceased.

- a. \$5,000,000.00 for JoAnn Ward's pain and mental anguish.
3. Plaintiff, Estate of Brooke Ward<sup>3</sup> is awarded total damages of **\$5,000,000.00** which includes:
  - a. \$5,000,000.00 for Brooke Ward's pain and mental anguish.
4. **\$2,100,000.00** to Christopher Ward.

Plaintiffs shall file their bill of costs with this Court within 10 days of entry of this judgment.

Post-judgment interest shall be awarded in accordance with 31 U.S.C. § 1304(b)(1). Such interest shall be calculated at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the Judgment. 28 U.S.C. § 1961(a). For the week preceding this Judgment, the rate is set at 1.66 percent.<sup>4</sup>

The above notwithstanding, the United States Government shall not be responsible for any post-judgment interest that accrues as a result of the family law dispute between R.W.'s parents.

Further, the United States Government shall not be responsible for any post-judgment interest that accrues as a result of the pending administration of Brooke Ward's probate estate.

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<sup>3</sup> The administrator of Brooke Ward's estate has yet to be appointed. That matter is pending in The County Court of Wilson County, Texas, Cause No. PR-08628, The Estate of Brooke Bryann Ward, Deceased.

<sup>4</sup> See <https://www.federalreserve.gov/releases/h15/>; accessed April 4, 2022, showing 1-year Treasury constant maturities for March 25, 28-31, which average to 1.66%.

Pursuant to 28 U.S.C. § 2678, attorney's fees are limited to 25% of the judgment, which the Court finds to be a reasonable and necessary fee in this case.

The Government shall hold the \$11,059,219.07 awarded to R.W. pending further order from this Court, which will issue upon resolution of the family law dispute between R.W.'s parents, Christopher Ward and Chancie McMahan, pending in Lampasas County, Texas.

The Government shall hold the \$5,000,000.00 awarded to the Estate of Brooke Ward pending further order from this Court, which shall issue upon resolution of her probate estate, pending in Wilson County, Texas.

This final judgment disposes of all claims in the above-styled cause.

It is so ORDERED.

SIGNED on this 5th day of April, 2022.

A handwritten signature in blue ink, consisting of a large, stylized 'X' followed by a horizontal line and a small flourish.

XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE